

RESOLUTION

WHEREAS, on April 22, 2014, the Planning Board held a public hearing on an Amended Site Plan application for **MG's Homemade DBA "The Blue Pig"**, hereafter known as "the Applicant." The subject property, owned by Mark Franzoso, is located at 121 Maple Street (Tax Parcel Address: 18 Old Post Road South) in the C-1 General Commercial Zoning District and designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.08 Blk. 7 Lot 7; and

WHEREAS, the proposal is for the construction of a pergola over the patio area and the installation of a freestanding sign and the waiver of the requirements for the freestanding sign; and

WHEREAS, on April 16, 2014, the Visual Environment Board (VEB) reviewed the application, and provided comments to the Planning Board; and

WHEREAS, the Planning Board reviewed and discussed said comments from the Advisory Board of the Visual Environment (VEB) on April 22, 2014; and

WHEREAS, the Planning Board, per Section 230-44(q), determined that compliance with the requirement that the building be at least 25 feet from the curb line for a free standing sign to be allowed would cause a hardship, and therefore, the Planning Board waived the requirement; and

WHEREAS, this proposal is considered a Type II Action under the State Environmental Quality Review Act (SEQRA); therefore, no Negative Declaration is required; and

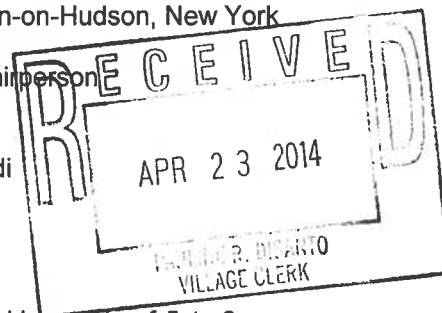
NOW, THEREFORE BE IT RESOLVED, that the Amended Site plan application as shown on the submitted drawings dated April 4, 2014, and the plans for the "12 X 12 Timber Frame Pergola" designed by Timber Frame Headquarters (©2012), be approved with the following conditions:

- 1) That the pergola be located so that it meets the required setback of a minimum of 10 feet from the rear property line.
- 2) That the freestanding sign not extend over the sidewalk.
- 3) That the freestanding sign not be more than 10 feet above the ground.
- 4) That the No Parking and other signs be relocated as determined by the Village Engineer and the Department of Public Works.
- 5) That, as recommended by the Advisory Board of the Visual Environment, the wood sign posts be the same untreated lumber as is used for the pergola, and that all timber framing be sealed to retard decay.

In the event that this amended site plan is not implemented within three (3) years of this date, this approval shall expire.

The Planning Board of the Village of Croton-on-Hudson, New York

Robert Luntz, Chairperson
Bruce Kauderer
Steve Krisky
Rocco Mastronardi
Richard Olver



Motion to approve by Mr. Olver, seconded by Mr. Krisky, and carried by a vote of 5 to 0.

Resolution accepted at the meeting held on April 22, 2014.



Village of Croton-on-Hudson, New York

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Treasurer
RICHARD J. CAMPBELL

Attorney
SEYMOUR M. WALDMAN

Engineer
PHILIP A. TULLY, P.E., C.P.C.A.
271-4783

July 7, 1992

Ferraros Deli
121 Maple
Croton-on-Hudson, NY 10520

40-209-44

Dear Merchant:

Please be advised a Public Hearing was held on Monday, July 6, 1992, regarding your application for a special permit pursuant to Article 10 of the Village Zoning Law to permit outdoor displays and/or dining. Subsequent to the Public Hearing, the Board of Trustees approved a resolution granting the special permit subject to the following conditions:

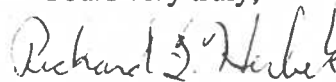
1. The permit will expire on November 1, 1992. It is anticipated that after this test period, a permanent permit will be issued for subsequent years for the period between May 1 to November 1.
2. The applicants will maintain at least a five foot wide space to allow for pedestrians to pass.
3. Emergency egress out of each business establishment must not be blocked off in any way.
4. Displays will be permitted seven days a week 8AM to 8PM. Displays must be stored daily and cannot be left in any public area.
5. Display areas must be kept clean, neat, and litter free.
6. Merchants must discourage loitering.
7. Violation of any of the above conditions by any of the applicants will result in the revocation of the permit from all applicants.

8. Exceptions to this permit may be granted with Village Board approval.

The code enforcement officer will oversee the compliance of this permit.

Should you need any further assistance in this matter, please feel free to contact my office.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Richard F. Herbek". The signature is fluid and cursive, with the first name "Richard" and last name "Herk" being the most prominent parts.

Richard F. Herbek
VILLAGE MANAGER

RFHjfh

cc:Phil Tully for file
Anthony Gagliotti for enforcement
Police Department - information

78-8-7-7
REGULAR MEETING ZONING BOARD OF APPEALS MAY 8, 1985

PRESENT: Acting Chairman, Natalie Rotkoff, Rhoda Stephens, Mr. Richard Santana, Mr. Philip Tully, Village Engineer, Rita Robertine, Secretary
ABSENT: Mr. Eugene Morrissey, Mr. Andrew Dickey

The regular meeting of the Croton Zoning Board of Appeals was called to order by Acting Chairman, Natalie Rotkoff, at 8:05 p.m.

FRANZOZO--18 OLD POST ROAD SOUTH--VARIANCE, OFF-STREET PARKING

Mr. Tully explained that Mr. Franzozo was advised that the Planning Board would act favorably on his application and he need not appear before the Zoning Board of Appeals. Application withdrawn--not necessary to be presented to Zoning Board.

RAYMOND D'ALVIA, ATTORNEY FOR DANIEL SALZBERG, D.D.S.--70 MOUNT AIRY ROAD--RA-25, SECTION 48, BLOCK 227, LOT 46---APPLICATION FOR A DETERMINATION THAT AN EXISTING COTTAGE HAD A NON-CONFORMING USE AS LIVING QUARTERS PRIOR TO ZONING AND THAT SAME HAS NOT BEEN ABANDONED.

The Board deferred action last month until they had time to review the Kocybala Decision. Mrs. Rotkoff asked if there was anyone in audience to speak in favor or in opposition? Mr. D'Alvia stated that a copy of the Kocybala decision was submitted and affidavits covering the periods in question were also submitted to the Board. He requested that the Board consider them when making their decision.

MOTION BY SANTANA, SECONDED BY STEPHENS THAT THE APPLICATION FOR DETERMINATION THAT THIS COTTAGE HAS A CONTINUOUS NON-CONFORMING USE PRIOR TO ZONING AND HAS NOT BEEN ABANDONED SHOULD BE GRANTED.
VOTE: UNANIMOUS

5/8/1985

JOHN GOCHMAN, ATTORNEY FOR BIG V SUPERMARKETS, INC.--440-460 SOUTH RIVERSIDE AVENUE--C-2, SECTION 2, BLOCK 98, LOTS 1-E AND 1-G-1--VARIANCE

She did not object to it, but does object to any expansion. She also complained about the conduct of the present owner mentioning a garbage problem, conduct of the business outside the confines of the building, passing over neighbor's property for access, general appearance, burning barrel of garbage. She said when he closes in the parts in questions, he will just place the merchandise further outside.

Steve Giordano said that by closing in out to the overhang, the business will be extended. He also complained about housekeeping and garbage as did David Giordano.

Mr. Lehmeier said his client has been attempting to clear up the premises. Has done a considerable amount of work since he took over. He is seeking to prevent eyesore by closing in this part.

Mr. Stone, next-door neighbor, also complained about garbage and objected to any extension of this use. Mr. Lehmeier said these neighbors are trying to put his client out of business. They denied this saying they do not object to a clean well-run business.

It was determined that this matter be adjourned until the next meeting to allow the village engineer time to investigate complaints with the conditions of the original application for a variance for use of the premises and the violations claimed by neighbors opposing the application.

PETER FRANZOSO, Jr. Request for variance to permit residential use of the first floor at 18 Old Post Rd. South. Cl Distr. Sec 40, Bl 209 Lot 44.

Mr. Franzoso said he has not been able to rent this for commercial use and would like to make an apartment. He is also requesting a variance for off-street parking. He said he would continue to try for commercial rental.

No one spoke from audience but Board members raised questions about the parking in view of the change of the little building to a coffee shop.

MOTION BY MCGOWAN, SECONDED BY ROTKOFF, TO GRANT THE APPLICATION SUBJECT TO CONDITIONS OUTLINED IN THE RESOLUTION. UNANIMOUS.

RESOLUTION: This is a request by Peter Franzoso, Jr. for a variance to permit residential use of the first floor at 18 Old Post Rd. So. and also for a parking variance. The property is Sec. 40, Bl. 209, Lot 44. The motion to grant is made on condition that parking space be furnished on the premises by the applicant, which parking space need not conform with the requirements of the zoning ordinance but shall be adequate in the opinion of the village engineer to accommodate at least 3 automobiles. Applicant shall also provide an adequate means for indicating use of the 3 parking spaces by tenants of the building.

LESLIE J. FLETCHER, 127 Benedict Blvd., Sec 11 Bl 115 Lot 12. Request for variances from total side yards and minimum rear yard for existing 1-family residence for which Certificate of Conformity was granted 5/30/51

Mr. Fletcher said that a new survey shows that the building is 3" short of the requirement being 4.9' and should be 5' for accessory building. Also the house is now shown as being 2.7' from the line on the s.w. side. The original survey had shown proper distances. No one else spoke.

MOTION BY Rotkoff, seconded by McGowan to grant the variances requested. Unanimous.

RESOLUTION: This is an application by Leslie J. Fletcher for rear-yard and side yard variances for property at 127 Benedict Blvd. The property is known as Sec. 11, Bl. 115, Lot 12. A Certificate of Conformity was granted to the residence in May of 1951 and the original survey showed that the property conformed to the ordinance. The variances requested are minor and it is the opinion of the Board that the granting of them would not adversely affect neighboring properties. The variances are granted without conditions.

Meeting closed at 11 p.m.

4/18/1982

Ruth Waitkins, Secretary

E. Morrissey, Chairman

78.8-7-7

PRESENT: Messrs William Giblin, Acting Chairman; Cyril McGowan; Eugene Morrissey; Thomas Ogborne; Philip Tully, Engineer; Ruth Waitkins.

ABSENT: Nancy Adami

Mr. Giblin opened the meeting at 8 p.m.

MINUTES: The minutes of the meeting of October 13, 1976 were approved.
Motion by Ogborne; second McGowan. Passed unanimously.

RAYMOND D'ALVIA FOR DONALD DOERNBERG, 17 Franklin Ave., Sec. 9, B1 121, Lot 7.
Request for a variance from the setback requirements for the existing dwelling. This house has 12' setback on each side, but a total of 30' side yard is required which this house does not have; its total is short by 1.14'. It was built prior to the 1961 ordinance. The owner would have practical difficulty complying with the ordinance, the requested variance is not substantial, there will be no increase in population. He said the interests of justice would be served by the granting of this variance. There were no other speakers.

MOTION MADE BY MORRISSEY, SECONDED BY MCGOWAN TO GRANT THIS VARIANCE.

VOTE: MORRISSEY; MCGOWAN; GIBLIN - YES

OGBORNE

ABSTAIN

MOTION CARRIED.

Resolution to follow.

Norman Grossman, Quaker Bridge Rd., requested that his hearing be postponed. Notices are to be sent out to neighbors again.

RONALD SANTANA FOR PROPERTY OF CHARLES AND ROSEMARY TRENDLELL, 98 OLCOTT, Sec. 41, B1 202, Lots 2&3. REQUEST FOR VARIANCE FROM THE SETBACK REQUIREMENTS FOR EXISTING DWELLING.

Mr. Santana said that the flagstone patio is a legal non-conforming use. He requests variance for the porch, and the retaining wall on Olcott as Mr. Tully thinks it is over 5' and this should be done at one time. A building permit was issued about 1958 for the porch, but no c.o. was ever obtained. The ordinance requires 8' setback and this is 6.8' from the line. He said this request is minimal, will not affect the density. No one else spoke.

MOTION TO GRANT THE VARIANCE REQUESTED BY MCGOWAN, SECONDED BY MORRISSEY.

VOTE: Morrissey; McGowan; Giblin; Ogborne - Yes - Motion carried.

Resolution to follow.

JAMES PICCIANO & TONY RIPILONE, OLD POST RD S. & MAPLE ST. SEC. 40, B1 209 Lot 44 - Request for variance from the off-street parking requirements for the operation of an arts and crafts gallery.

Mr. Picciano said he and his partner have opened this gallery, and are waiting for change of use approval from the Planning Board. They have a small parking area in the rear and there are also two municipal parking lots within walking distance. There is no other feasible way to provide parking required by the ordinance.

MOTION TO GRANT THE VARIANCE REQUESTED BY OGBORNE, SECONDED BY MORRISSEY.

VOTE: Giblin; McGowan; Morrissey; Ogborne - Yes - Motion carried.

RESOLUTION: This is an application by James Piccinao and Tony Ripilone for a variance from the off-street parking requirements for the operation of an arts and crafts gallery at the corner of Old Post Rd. S and Maple St. The property is known as Sec. 40, B1 209, Lot 44. This property is an area of the village where there is no way to provide the off-street parking required; it is served by two municipal parking lots. It has been necessary to grant similar variances for many other businesses in the immediate vicinity. It would be an economic hardship to provide the required parking. Granting of the variance will not affect the welfare or safety of village residents. The

premises in question for the manufacture of wearing apparel be considered.

As notice of public hearing had been published on March 15th, 1946 the Board agreed to consider it.

It was regularly moved by Mr. Miller, seconded by Mr. Dean and carried all present voting "Aye" as follows:

Abraham Sobel and Sylvia Goldsand having appealed to this Board from a determination of the Building Inspector denying application for permit to use the premises at #51 South Riverside Avenue, for the manufacture of wearing apparel, because more than five persons would be employed thereat, on the premises known as #51 South Riverside Avenue, Croton-on-Hudson, N.Y. in sheet 25 Block 211 on lot 49 located in an "E" district as shown on the Building Zone Map; and due public notice of a hearing having been given, for the third day of April, 1946, and the applicant having appeared by Isadore Goldsand in support of said application and no one appearing in opposition, and after due consideration it appearing to the satisfaction of this Board that said appeal can be granted conditionally-without detriment to the health, safety, morals, comfort, convenience or general welfare of the community, and that the use applied for is a reasonable one for the premises involved; the practical difficulties and unnecessary hardship would result in carrying out the strict letter of the ordinance, and that by granting said appeal the spirit of the ordinance will be observed, public safety secured and substantial justice done,

RESOLVED THAT Abraham Sobel and Sylvia Goldsand are hereby authorized to use the aforementioned premises for the manufacture of wearing apparel employing more than five persons thereat for a period of three years from the date hereof, in accordance with the application filed with the Building Inspector.

There being no further business the meeting was adjourned at 9:30 P.M.

Allan MacDougall,
Secretary.

A regular meeting of the Board of Appeals of the Village of Croton-on-Hudson, N.Y. was held at the Municipal Building on Monday evening May 6th, 1946 at 8:00 P.M.

PRESENT: Ernest Holcombe, Chairman
Edward F. Dean
George Miller
Leroy Crumley
John J. Crowley

ABSENT: None

There being no objection the Chairman declared the minutes of the last regular meeting of April 3rd and the Special meetings of April 15th, and April 22nd approved in the form submitted.

The Chairman stated that the Board is prepared to hear anyone in

at #49 Truesdale Drive, designated as Section 9 Block 126 Lot 56 located in a B District as a two-family house.

It was regularly moved by Mr. Dean, seconded by Mr. Miller and carried, all voting "Aye" that the temporary permit granted Rae Frank on May 2, 1940, to use the premises at 49 Truesdale Drive as a two-family residence be renewed for a period of three years ending on May 2, 1949.

The Building Inspector presented the appeal of Mark Sica, appealing from a determination of the Building Inspector denying his application to erect an addition to the garage on the premises at 18 Old Post Road, South designated as Section 40 Block 209 Lot 44 located in a "D" District.

It was regularly moved by Mr. Dean seconded by Mr. Crowley and carried, all present voting "Aye" as follows:

Mark Sica having appealed to this Board from a determination of the Building Inspector denying application for permit to erect an addition to the existing garage on the premises known as 18 Old Post Rd. South, Croton-on-Hudson, N.Y. in Sheet 40 Block 209 on Lot 44 located in a "D" District as shown on the Building Zone Map; and the applicant having appeared in support of said application and no one having appeared in opposition, and after due consideration it appearing to the satisfaction of this Board that said appeal can be granted conditionally-without detriment to the health, safety, morals, convenience or general welfare of the community, and that the use applied for is a reasonable one for the premises involved; that practical difficulties and unnecessary hardship would result in carrying out the strict letter of the ordinance, and that by granting said appeal the spirit of the ordinance will be observed, public safety secured and substantial justice done,

RESOLVED THAT Mark Sica is hereby authorized to erect an addition to the existing garage on the above designated premises in accordance with plans filed with the Building Inspector.

The Building Inspector presented the appeal of Dr. Samuel Kahn appealing from a determination of the Building Inspector denying his application to remodel the Nikko Inn Building on Nordica Drive, designated as Section 4 Block 149 Lot 1E located in an A District and to use it as a two-family residence.

It was regularly moved by Mr. Crowley, seconded by Mr. Miller and carried that a public hearing on the appeal of Dr. Samuel Kahn be held at the Municipal Building on June 3rd, 1946 at 8:00 P.M.

The Building Inspector presented an appeal on behalf of Giralamo Piccoli seeking permission to erect a studio at the corner of South Riverside Avenue and Oneida Avenue for the production of Ceramics.

Mr. Miller moved that a public hearing be held on the appeal on June 3rd, the motion was seconded by Mr. Cowley and carried.

Mr. Piccoli stated that a temporary permit would not meet his requirements.

There being no further business at hand the meeting adjourned.

Allan MacDougall,
Secretary.